

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:24-cr-00067-FDW-DCK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OLUMIDE OLORUNFUNMI,

Defendant.

**MOTION TO WITHDRAW AS  
COUNSEL FOR DEFENDANT  
OLUMIDE OLORUNFUNMI**

S. Frederick Winiker, III hereby moves, pursuant to Rule 1.16(b) of the North Carolina Rules of Professional Conduct (RPC), for an order relieving him as counsel for Defendant Olumide Olorunfunmi, and for counsel to be appointed on his behalf.

The Defendant first appeared in the United States District Court for the Eastern District of New York (EDNY) on April 2, 2024, where the local Federal Defender represented him. That court set conditions of release with an order that the Defendant appear in the Western District of North Carolina. The undersigned counsel first appeared with the Defendant on April 25, 2024 in this District. Docket call is currently scheduled for January 13, 2025. The only co-defendant, Amos, has pleaded guilty. Absent the issues raised in this motion, counsel anticipates that he would have next filed an unopposed motion to continue trial.

Counsel affirms that good cause to withdraw exists under Rule 1.16(b)(1), (6), and (7) and (9) of the North Carolina Rules of Professional Conduct. The Defendant has failed substantially to fulfill an obligation to Counsel regarding Counsel's services. In addition, ongoing representation would result in an

unreasonable financial burden on Counsel, such burden having been rendered unreasonably difficult by the Defendant. Counsel requests that any additional information detailing the grounds for withdrawal be conducted in an *in camera* review, if necessary.

As required by Local Civ. Rule 83.1(f), the last known addresses for the Defendant are as follows:

11139 174th St. Jamaica Queens, NY 11433	900 Winterwood Ct Arlington, TX 76017
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The undersigned certifies that in correspondence dated November 22, 2024 and again on November 26, 2024, the Defendant was informed of Counsel's intent to move to be relieved as counsel, with the latter also being delivered by overnight express mail to the addresses, above. The Defendant has previously consented to counsel's withdrawal under the conditions cited in this motion pursuant to undersigned counsel's appearance agreement with the Defendant. The United States has been informed of this motion and states that it takes no position.

In his appearance in EDNY, the Defendant was represented by the local Federal Defender and submitted a CJA financial affidavit requesting counsel. Consequently, it is respectfully requested that counsel be appointed on his behalf.

THEREFORE, the Defendant respectfully requests the Court issue an order relieving the undersigned as counsel for Defendant Olumide Olorunfunmi and appoint counsel on the Defendant's behalf.

Respectfully submitted this 1<sup>st</sup> day of December, 2024.

/s/ S. Frederick Winiker, III  
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352 North Caswell Rd  
Charlotte, NC 28204  
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## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Western District of North Carolina, using the CM/ECF system, which will electronically notify all counsel of record who have consented to accept service by electronic means, including:

**Benjamin Bain-Creed**

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This the 1<sup>st</sup> day of December 2024.

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